

### **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

No. The waiver will allow the applicant to install an in-ground swimming pool directly behind the primary residence. The pool will conform to all required code found in the Louisville Development Code.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate Plan 2040 and is in line with the goals, objectives and policies by the Plan's five CHASE principles.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Without the waiver the applicant would be unable to construct a swimming pool in the back yard. The waiver request is the minimum necessary to allow him to have the swimming pool.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

Strict application of the LBA regulation would deprive the applicant of being able to install a swimming pool and use his property as he wishes.

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AUG 17 2020

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